

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

BRAZOS ELECTRIC POWER  
COOPERATIVE, INC.,

Debtor.<sup>1</sup>

Chapter 11

Case No. 21-30725 (DRJ)

BRAZOS ELECTRIC POWER  
COOPERATIVE, INC., *et al.*,

Plaintiff / Intervenor-Plaintiffs,

Adv. Proc. No. 21-03863 (DRJ)

v.

ELECTRIC RELIABILITY COUNCIL OF  
TEXAS, INC. *et al.*,

Defendant / Intervenor-Defendants.

**JOINDER OF DENTON COUNTY ELECTRIC COOPERATIVE, INC.,  
D/B/A COSERV ELECTRIC TO THE DEBTOR'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT AND THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS' MOTION FOR SUMMARY JUDGMENT**

Denton County Electric Cooperative, Inc. d/b/a CoServ Electric (“CoServ”), an intervenor-plaintiff in the above-captioned adversary proceeding, hereby joins both (1) Brazos Electric Power Cooperative, Inc. (the “Debtor”) in its *Motion for Partial Summary Judgment* (the “Debtor's Motion”) [Adv. Pro. Dkt. No. 285], through which the Debtor seeks summary judgment on Count 1 of the *Amended Complaint Objecting to Electric Reliability Council of Texas, Inc.'s Proof of Claim and Other Relief* [Adv. Pro. Dkt. No. 173] (the “Amended Complaint”), and (2) the Official Committee of Unsecured Creditors (the “Committee”) in its *Motion for Summary Judgment* (the

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<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number is: Brazos Electric Power Cooperative, Inc. (4729). Additional information regarding this case may be obtained on the website of the Debtor's claims and noticing agent at <http://cases.stretto.com/Brazos>. The Debtor's address is 7616 Bagby Avenue, Waco, TX 76712.

“Committee’s Motion” and together with the Debtor’s Motion, the “Motions”)<sup>2</sup> [Adv. Pro. Dkt. No. 281], through which the Committee seeks summary judgment on Count 8 of the Amended Complaint.

### **RESERVATION OF RIGHTS**

CoServ reserves the right to amend and/or supplement this Joinder, to introduce evidence in support of the Joinder and/or the Motions, and to be heard at any hearing regarding these matters.

### **PRAYER**

CoServ respectfully requests that this Court grant summary judgment in Plaintiff and Intervening Co-Op Members’<sup>3</sup> favor on Counts 1 and 8 of the Amended Complaint and grant such other and further relief as may be just and proper.

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<sup>2</sup> Capitalized terms not otherwise defined herein have the same meanings ascribed to them in the Motions.

<sup>3</sup> “Intervening Co-Op Members” has the meaning ascribed to it in the October 22, 2021 *Stipulation and Agreed Order Authorizing Intervention* [Adv. Pro. Dkt. No. 136].

Dated: January 10, 2022

Respectfully submitted,

**MCDERMOTT WILL & EMERY LLP**

/s/ Charles R. Gibbs

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*Counsel to Denton County Electric Cooperative, Inc.,  
d/b/a CoServ Electric*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of the foregoing document was served upon the counsel for parties of record in this Adversary Proceeding, electronically through the Bankruptcy Court's Electronic Case Filing System on those parties that have consented to such service on the 10<sup>th</sup> day of January, 2022.

/s/ Charles R. Gibbs  
Charles R. Gibbs